(c) said fully enclosed circular bottom aperture will be a specific diameter to provide compressive resistance to said necktie when said necktie is threaded thru twice, and

(d) the rear of said necktie knot simulator, comprised of three small bridges which serve to fully enclose said three circular apertures is substantially open to facilitate passing said necktie thru said fully enclosed circular apertures.

REMARKS-General

By the above amendment, Applicant has canceled Claims 1 and 2 substituted with claim 3 to define the invention more particularly and distinctly so as to overcome the rejection under 35 U.S.C. 102 (b) as being anticipated by Miller (US 6,094,746).

Applicant requests reconsideration and withdrawal of this objection.

Claim 1 (b) now rewritten as Claim 3 (b), recites, said fully enclosed circular **side apertures** will be a specific diameter to provide compressive resistance to a necktie when said necktie is threaded thru. This language distinguishes over Miller (US 6,094,746). Miller teaches in Figures 1-4 a unitary body that has a **single upper aperture**. Furthermore, Miller teaches (col. 7 lines 26-29), In Fig. 3 therein is illustrated and upper aperture (34) of the cover (10) and a lower aperture (36), which define a cavity or channel (38). Access to

the cover (10) is gained by placing the necktie ends into the upper aperture (34). Applicant claims **two fully enclosed circular side apertures** (28a, 28b) where Miller teaches a **single upper aperture** (34). Furthermore, Miller teaches (col.11 lines 54-58) a first slot disposed at a top portion of said first lateral side, said **first slot in communication with said channel**; a second slot disposed at a top portion of said second lateral side, said **second slot in communication with said channel.**

Applicant submits that Claim 3 (b) is critical, superior and not anticipated by Miller. The critical compressive resistance is achieved by fully enclosing the circular side apertures. Communication between the single upper aperture and the two slots illustrated in the prior art will, by design, not afford the same compressive resistance that the two fully enclosed circular side apertures afford.

Claim 1 (c) now rewritten as Claim 3 (c), recites, said fully enclosed circular bottom aperture will be a specific diameter to provide compressive resistance to said necktie **when said necktie is threaded through said fully enclosed circular bottom aperture twice**. This language distinguishes over Miller. Miller teaches, (col. 7 lines 63-67) If the necktie cover (10) is used simply as a decorative cover in that the knot is already tied, **both ends** (42, 44) of the necktie (40) **are simultaneously passed** through the upper aperture (34), the channel (38), and **out through the lower aperture (36)**. Applicant submits the results of Claim 3 (c) are critical, unexpected, and superior to Miller. In the DETAILED DESCRIPTION – PREFFERED EMBODIMENTS section of Applicants Patent Application on page 8,

Applicant teaches an unsuggested modification. Applicant's Fig. 4 further illustrates the necktie 38 and how it is properly threaded through the knot simulator. The user begins by grasping the **narrow end** of the necktie 38 and **passing it through the bottom** of the fully enclosed circular lower aperture 20 **into the knot simulator** 10. The **narrow end** of said necktie 38 is then passed through the fully enclosed circular side aperture 18a and out of said knot simulator 10. The user then creates a loop with the necktie 38 and passes the **narrow end** of the necktie 38 through the fully enclosed side aperture 18b and back into the knot simulator 10. Next, the **narrow end of the necktie 38 is passed through the fully enclosed circular lower aperture 20 and out of the knot simulator.**

Applicant submits that to provide the compressive resistance required to secure the knot simulator, apertures must provide compressive resistance. By **always leading the thread sequence with the narrow end of the necktie, the fully enclosed circular lower aperture 20**, as defined in Claim 3 (c) and Detailed Description of Fig. 4, **does not have to accommodate the front or wider end of the necktie and is able to achieve compressive resistance**. Miller teaches, as illustrated, above a sequence where both ends of the necktie are simultaneously passed through the lower aperture. It should be noted that the front end of a necktie is wider than the back (narrower) end. It is a physical requirement that the aperture be of sufficient diameter to accomplish Millers stated instruction to simultaneously pass both the wide front end and narrow rear end through the bottom aperture. When a wearer slides Miller's necktie cover up into the wearing position, the front side of the necktie narrows in width. Miller's necktie cover cannot

provide compressive resistance at this narrower position along the necktie. Again, Miller teaches a knot cover that can be used when a necktie is already tied with a knot. Applicant submits the prior art cited lacks any suggestion to modify the lower aperture and threading sequence that could anticipate Applicants Claim 3 (c).

Claim 1 (d) now rewritten as Claim 3 (d) recites, the rear of said necktie knot simulator, comprised of three small bridges which serve to fully enclose said three apertures is substantially open to facilitate passing said necktie through said fully enclosed circular apertures. Applicant submits rewritten Claim 3 (d) to clarify prior Claim 1 (d). Prior art cited, Miller (US 6,094,746) figures 8-13 does not teach or anticipate Applicants Patent Application. Miller's figures 8, 9,and 10 are the second embodiment and figures 11,12, and 13 are the third embodiment of Millers necktie. At the top of col.6 Miller includes a Drawings Reference Table. In the table the Rear Side of the second embodiment is assigned number 121 and the Rear Side of the third embodiment is assigned number 221. Miller teaches, (col. 9 lines 19-22) Knot cover 200 is of a **unitary and continuous** construction, consisting of a front side 212, first and second lateral sides 218 220, and a **rear side 221**, which enclose and define an internal cavity or channel. Furthermore, (col. 11 lines 21-22) and said **rear side extending vertically a substantial portion** of the vertical length **of said body member**.

Applicant submits that Claim 3 (d), where Applicant's knot simulator is defined as substantially open is not anticipated by Miller's claim where the rear side extends a substantial portion of the length of the body.

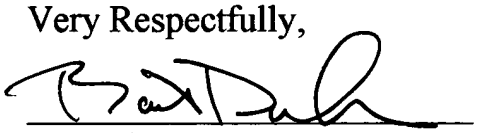
Conclusion:

For all the above reasons, applicant respectfully submits that the errors in the specifications are corrected, the claims comply with section 112, the claims define over the prior art under section 102, and the claimed distinctions are of patentable merit under section 103 because of the new results provided. Accordingly, applicant submits that this application is now in full condition for allowance, which action applicant respectfully solicits.

Conditional Request For Constructive Assistance

Applicant has amended the specifications and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. 707.07(j)

Very Respectfully,



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